



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

the actual possession be in another the Board may acquire possession as other suitors do.

3. COUNTY PROPERTY—*Mechanic's lien on Public Building.* The Board of Supervisors cannot give a lien on a public building of the county, nor does the contractor, nor those who furnish materials, nor the artisans employed in their construction, acquire a lien of any kind on them. Those who contract with the Board do so solely upon the faith and credit of the county and not with the expectation of securing their compensation by a lien.

SIMS v. SIMS.—Decided at Richmond, April, 20, 1897.—*Riely, J.*:

1. CHANCERY PRACTICE—*Final and interlocutory decrees.* A decree which disposes of the whole subject, gives all the relief that is contemplated, and leaves nothing to be done by the court is a final decree. But a decree which leaves anything to be done by the court in the cause is interlocutory, as between the parties remaining in the court.

2. WILLS—*Trust created by will—Beneficiary or nature of trust not disclosed—Parol evidence.* Each and every part of the last will and testament of a decedent must, under the Virginia statute, be in writing and executed in the mode prescribed by the statute, and if any part is parol, such part is, in the absence of fraud, void and inoperative. If a trust is created by a will, but the beneficiary is not disclosed or cannot be discovered from the will itself, the trustee holds the devise or bequest for the benefit of the heirs or distributees of the testator. The equitable interest goes to them by way of a resulting trust. If the will discloses the beneficiary but not the nature of the trust, the latter cannot be supplied by parol, and the trustee is invested with a naked trust, while the beneficiary takes an absolute equitable estate, with the equitable right to immediate possession of the corpus of the trust.

CARPER'S ADM'R v. NORFOLK & WESTERN RAILROAD COMPANY.—

Decided at Wytheville, July 1, 1897.—*Keith, P.*:

1. APPELLATE PROCEEDINGS—*Second writ of error in same case—Evidence the same on both trials—Law of the case.* A writ of error was awarded at the instance of a defendant in the trial court, the evidence was certified and the case heard in this court as on a demurrer to the evidence by the defendant, and the judgment of the trial court was reversed. At the second trial in the court below the evidence taken on the first trial was read to the jury in lieu of examining the witnesses, and the defendant demurred to the evidence.

Held: The evidence on the two trials being exactly the same, the position of the parties in respect thereto was the same, and the decision on the first writ of error became the law of the case, and judgment was rightly entered for the defendant on its demurrer.